



DECLARATION
OF THE
ROMAN CATHOLIC LAITY
OF
ENGLAND.

LONDON :

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1851.

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DECLARATION.

WE, the undersigned Roman Catholic Laymen of England—seeing that a bill is now under the consideration of Parliament, which threatens to inflict penalties on the Roman Catholic Prelates and Ecclesiastics of Great Britain and Ireland, for using or bearing their proper ecclesiastical titles, as Bishops, or Deans, of the sees, or deaneries, over which they preside, and to confiscate to the Crown all property which may hereafter be devised or bequeathed to them by their ecclesiastical titles;—seeing that the effect of this measure will be to subject the Catholics of this country to losses and penalties for the exercise of rights, which are—and by the Law-advisers of the Crown have been declared to be—legally theirs, viz., the acknowledgment and use by themselves and their Prelates of ecclesiastical titles other than those already appropriated to the Protestant Establishment;—seeing, also, that a violent agitation on religious matters has for some months pervaded this country, during which all that we hold most sacred, our religion, our pastors, our loyalty and our integrity, have been insulted and attacked;—seeing that all these and other threatened persecutions are alleged to be founded on the Act of our Holy Father, Pope Pius the Ninth, who, in the month of September last,—exercising a power that belonged to him alone, and by virtue of an authority purely spiritual, and which no Catholic in dispute,—was graciously pleased to effect certain changes in the ecclesiastical system hitherto in force among the Catholics of England;—we now feel called upon, in the face of God, and of our country, and of the whole civilised world, TO PROTEST AGAINST ANY INTERFERENCE WHATSOEVER WITH OUR RIGHT TO THE UNFETTERED EXERCISE OF OUR RELIGION; and particularly against the gross and manifest violation of our religious freedom now threatened, in direct contravention both of the spirit and letter of the Emancipation Act, and of subsequent statutes, and in open defiance of Her most gracious Majesty's expressed resolution to maintain unimpaired the religious liberties of her subjects. And that this, our Protest, may carry with it greater weight, and that all men may know how false and frivolous are the pretences for this invasion of our rights, we have resolved upon publishing the following DECLARATIONS.

First, then, We declare, that according to the principles and doctrines

of our holy religion, the Bishop of Rome is the Chief Pastor and Ruler of the Church, and the supreme earthly Head thereof ; and that an essential part of this supremacy consists in his right of conferring spiritual and ecclesiastical jurisdiction on the Bishops of the Church ; and of assigning to them portions of territory, called dioceses, as the limits within which such jurisdiction shall be exercised ; and of appointing each Bishop to an episcopal chair, or see, within such diocese, as the seat of the spiritual and ecclesiastical government of the Church, or body of the Faithful, within such diocese ; thereby authorising each Bishop to designate himself as (that which, in fact, he is) the Bishop of such see, and to assume and use the title thereof, by which his place and rank and office in the Catholic Church and among its pastors may be known and recognised. And we further declare that this right belongs to the Bishop of Rome in his spiritual and ecclesiastical character, as successor of the blessed apostle St. Peter, and is in nowise connected with or dependant upon his character as a temporal prince : and we declare that, as the power thus exercised by the Holy Father is of a spiritual and ecclesiastical nature, so the power imparted to the Bishops, the jurisdiction given, and the sees and titles granted to them, are purely spiritual and ecclesiastical, and confer no temporal rank, precedence, or dignity whatever.

II. We declare that in some countries, and in our own before the change of religion in the sixteenth century, where, by the law of the land, temporal possessions and offices, and civil power, rank, and dignity were annexed to the episcopal function, (so that on the appointment of a Bishop he contracted new temporal obligations to the Sovereign, and acquired a civil status different from other subjects, both the State and the Church did claim an interest in and exercise power over the Bishops and sees of the Church, forasmuch as acts done or changes made in their regard did then, by the law of the land directly affect the temporalities of the realm : but we declare that the State never did at any time or in any country possess the right to interfere with the appointment, jurisdiction, see, or title of a Bishop, a Bishop of the Church, or on account of his spiritual or ecclesiastical character and office, but solely on account of the temporal privileges and duties which by law had been annexed to the episcopacy : and therefore we declare that, since there is no analogy between such cases and the present, inasmuch as our Bishops have acquired by their appointment a new civil status, and possess, as Diocesan Bishops, no temporal privileges, power, or pre-eminence whatsoever, the arguments founded on this false analogy, by which the threatened interference is sought to be justified, are of no weight whatever, and have no real bearing on the question.

III. We deny that any general European law exists whereby (as it is pretended) the right of creating Bishoprics and Bishops is inherent in and dependant on the civil power. And we declare that the exercise of the spiritual authority of the Pope, belonging to him as the successor of St. Peter, can only be limited by his own free act or concession. W

declare, also, that in some countries the Supreme Pontiff has, accordingly, been pleased, by treaty, concordat, or stipulated terms, in return for recognition or privileges bestowed by the State upon the Church, to allow the State to participate in the appointment of Bishops, or the regulation and division of their dioceses; (which acts, however, always emanated from himself :) but we declare that, as no treaty, concordat, or stipulation has been entered into or exists between the Government of this country and the Holy Father, therefore the arguments founded on the false analogy between such cases and the present, in favour of a legislative enactment against us, are nothing but colourable pretexts for persecution.

IV. We declare, that the Holy Father Pope Pius the Ninth, by redividing the Apostolic Vicariates, which had by his predecessors been created in this country, into one archdiocese and twelve dioceses; and appointing to them as Bishops, with ordinary powers in the Catholic Church, the Prelates, whom, as Vicars-Apostolic, with extraordinary episcopal powers, we had been accustomed to revere and obey, did not in any way, directly or indirectly, commit any aggression upon, or offer any insult to, either the Sovereign or the people of this country.

V. We declare that the recent change in our ecclesiastical system, useful and desirable as it was with regard to Catholics, did not in the slightest degree injure or affect our Protestant fellow-countrymen, or operate any change in their relations with Catholics. Further, inasmuch as, before the recent arrangements, the country had been divided by the Supreme Pontiff into territorial districts with local limits, called Apostolic Vicariates;—inasmuch as ecclesiastical titles from places within the kingdom had been assumed and used, viz. those of Vicars-Apostolic of the London, Lancashire, Yorkshire, and Welch districts;—inasmuch as the Prelates filling those offices were appointed by the Pope;—inasmuch as it is absolutely false that the claims to spiritual authority of the Vicars-Apostolic were less extensive (as has been pretended) than those of the Diocesan Bishops:—therefore we declare that any justification for the proposed penal enactment, on the ground that a novel and unprecedented extension of the claims of the Catholic Church has been attempted, by the nomination of our Bishops, by parcelling out the land of the country, and by conferring ecclesiastical titles and dignities from places within the realm, is merely specious, and wholly unfounded both in fact and reason.

VI. We declare, that the recent creation of our Catholic Hierarchy has not in any way impaired or affected the civil or temporal supremacy of Her most gracious Majesty, or lessened in any way the dependance of Her Majesty's subjects, whether Catholic or Protestant, on Her Majesty's Courts of Justice, or introduced any rule or law, or code of laws affecting any rights or properties whatsoever, in contravention of or in derogation from the laws of the land. On the contrary, we declare our

full belief that Her Majesty's Courts preserve, since the establishment of the Hierarchy, exactly the same powers that they possessed before, of adjudicating on and determining questions involving the rights and property of Her Majesty's subjects. Moreover, seeing that Her Majesty's Courts of Justice, exactly as they have hitherto done, will still continue to inquire and to ascertain by evidence what are the religious or ecclesiastical laws and usages of Catholics, Dissenters, Unitarians, and others, and to make these laws and usages thus ascertained the bases of their decisions on all questions depending on them, whether with regard to trusts or other rights, provided such laws and usages do not contravene or prove inconsistent with the laws and constitution of the realm ;—seeing that her Majesty's Courts, exactly as they have hitherto done, will still continue to refuse to adopt, sanction, or enforce any ecclesiastical law or religious usages that may contravene or prove inconsistent with the laws and constitution of the realm ;—seeing that thus the establishment of our Hierarchy has not made, or affected to make, the slightest alteration in the principles or practice according to which Her Majesty's Courts adjudicate upon and determine questions involving the rights and property of Her Majesty subjects ;—we do therefore declare, that any alleged necessity for exceptional legislation with regard to Catholic rights and property, supposed to arise from the establishment of our Hierarchy, has no real existence, and is unworthy of serious notice.

VII. We reject with the utmost scorn and indignation the imputation that we wish for any interference between our revered Prelates and ourselves, or require any protection for our rights and property against them and the powers conferred by the Hierarchy. We regard every attempt made to represent a penal law against our Bishops as a measure passed for our benefit and at our request, as an attack upon our honour. And we make this statement for the express purpose of depriving any person who may again hazard these insinuations (whether he be a professed enemy to our religion or a secret foe within our own body) of all credit and attention. Moreover, we protest most strongly against the glaring impropriety of founding measures against the Catholic Bishops, Clergy and Laity, on secret or anonymous information, or on any statements, except such as shall be made openly and in a manner which will enable us to refute them if untrue.

VIII. We declare that the government of the Catholic Church, through a regularly constituted Hierarchy of Diocesan Bishops, is the only normal and perfect condition of the Catholic body. The government by Vicars-Apostolic we assert to be abnormal and provisional, and to owe its origin amongst us solely to the religious persecution which so long disgraced the country. We declare that it was never established except from necessity, or meant to be continued after circumstances should permit a return to the ordinary form of government. We declare that its duration in this country has been due to the enfeebled state of our body after a long and cruel persecution ; and we utterly deny that it ever was

seemed in itself, or is now by us considered preferable or even equivalent to government by Diocesan Bishops. And therefore we declare, that any attempt by legislative interference, much more by a new penal law, to deprive us of our Hierarchy, or to impede or hamper its free action amongst us, is a direct act of persecution and a violation of our liberties as Englishmen.

IX. We declare, that inasmuch as by our religious principles as Catholics we are bound, and as by our rights as Englishmen we are entitled, to maintain the spiritual and ecclesiastical supremacy of our Holy Father the Pope over the Catholic Church ;—inasmuch as, by necessary consequence, we are bound to recognise and obey as our lawful ecclesiastical superiors the Metropolitan and Bishops under whom, by the valid exercise of a power which belongs to himself alone, we have been placed ;—inasmuch as a refusal on our parts to recognise them, their jurisdiction, their titles, or their sees, would, according to our conscientious belief, be a wrongful act, and a breach of the bond of unity which indissolubly binds us to the See of Rome ;—therefore any legislative enactment subjecting any Catholic, whether Bishop, cleric, or layman, to punishment or loss, for his free and willing obedience to the authority of his Church, or prohibiting his full and entire compliance with the ordinances of the Supreme Pontiff, concerning the restoration of our Hierarchy, will be by us considered as an unjust and oppressive infringement of the rights of conscience.

Lastly, having regard as well to the proposed law as to the many monstrous and tyrannical schemes and measures which, during the recent agitation, have been proposed and suggested for our oppression ;—considering that small and vexatious interferences with freedom of conscience involve the whole principle of religious persecution, and may be used as precedents and excuses for the most intolerable tyranny ;—holding also that our religious freedom is the dearest and most valuable of our rights, as the one for whose sake we and our ancestors have borne and suffered most, so as not to shrink from the sacrifice of our civil and political privileges, our property and our lives in its defence ;—remembering, moreover, that not we only are attacked, but that millions of our Irish Catholic fellow-subjects are engaged with us in defending our common cause :—we do solemnly declare that we are firmly determined, for their sakes as well as for our own, to resist, by every legal and constitutional means within our power, every attempt to deprive either ourselves or them of the least portion of our religious liberty.

SUBSCRIBERS' NAMES.

The Earl of Shrewsbury
 The Earl of Newburgh
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 Lord Stourton
 Lord Vaux of Harrowden
 Lord Petre
 Lord Arundell
 Lord Dormer
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 The Hon. Edmund Plunkett
 The Hon. George Plunkett
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